

FORM 26. Docketing Statement

Form 26 (p. 1)  
July 2020

**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

**DOCKETING STATEMENT**

**Case Number:** 2023-1969

**Short Case Caption:** Xerox Corp. v. Facebook, Inc.

**Filing Party/Entity:** Facebook, Inc.

**Instructions:** Complete each section or check the box if a section is intentionally blank or not applicable. Attach additional pages as needed. Refer to the court's Mediation Guidelines for filing requirements. An amended docketing statement is required for each new appeal or cross-appeal consolidated after first filing.

Case Origin	Originating Number	Type of Case
Patent Trial and Appeal Bd.	IPR2021-01461	Inter Partes Review

Relief sought on appeal: ☐ None/Not Applicable

Affirmance of the Patent Trial and Appeal Board decision finding Claims 1-5, 7-11, 13-17, 19 and 20 of U.S. Pat. No. 9,208,439 are unpatentable and denying motion to amend.

Relief awarded below (if damages, specify): ☐ None/Not Applicable

The Patent Trial and Appeal Board determined that Claims 1-5, 7-11, 13-17, 19 and 20 of U.S. Pat. No. 9,208,439 are unpatentable and denied Patent Owner's motion to amend.

**Briefly describe the judgment/order appealed from:**

The Patent Trial and Appeal Board's Final Written Decision in IPR2021-01264 held that Claims 1-5, 7-11, 13-17, 19 and 20 of U.S. Pat. No. 9,208,439 patent are unpatentable and denied Patent Owner's motion to amend.

Nature of judgment (select one):

Date of judgment: 3/22/23

☒ Final Judgment, 28 USC § 1295

☐ Rule 54(b)

☐ Interlocutory Order (specify type) \_\_\_\_\_

☐ Other (explain) \_\_\_\_\_

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Form 26 (p. 2)  
July 2020

Name and docket number of any related cases pending before this court, and the name of the writing judge if an opinion was issued. ☒ None/Not Applicable

None

Issues to be raised on appeal: ☐ None/Not Applicable

Whether the Patent Trial and Appeal Board correctly held that Claims 1-5, 7-11, 13-17, 19 and 20 of U.S. Pat. No. 9,208,439 are unpatentable and denied Patent Owner's motion to amend.

Have there been discussions with other parties relating to settlement of this case?

☐ Yes ☒ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below  
☐ During the pendency of the case below  
☐ Following the judgment/order appealed from

If "yes," were the settlement discussions mediated? ☐ Yes ☐ No

If they were mediated, by whom?

N/A

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

Explain.

Facebook does not believe that mediation in connection with this appeal would be helpful.

Provide any other information relevant to the inclusion of this case in the court's mediation program.

N/A

Date: 6/15/23 Signature: /s/ Heidi L. Keefe

Name: Heidi L. Keefe